

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

DANIELLE WASHINGTON, Personal Representative of the ESTATE OF CALVIN WITHERSPOON, JR.	)	
	)	
	)	CASE NO. 3:21-cv-00148-JFA
	)	
Plaintiffs,	)	
	)	
v.	)	<b>ORDER APPROVING</b>
	)	<b>WRONGFUL DEATH SETTLEMENT</b>
	)	
HOUSING AUTHORITY OF THE CITY OF COLUMBIA aka COLUMBIA HOUSING AUTHORITY aka COLUMBIA HOUSING,	)	
	)	
Defendant.	)	

1. This matter comes before me on the verified Petition of Danielle Washington, as Personal Representative of the Estate of Calvin Witherspoon, Jr. (“Plaintiff”), as duly appointed and qualified Personal Representative of the Calvin Witherspoon, Jr. (“Estate”), pursuant to S.C. Code § 15-51-41, et. seq. and S.C. Code § 15-5-90 seeking an Order approving and confirming the settlement of these claims as described in the Petition. The Petition and its exhibits are incorporated into this Order by reference. Plaintiff has subscribed her approval to this settlement per § 15-51-42(B).

2. After due consideration and inquiry into the circumstances surrounding the incident from which the claim and proposed settlement arose, I find the following facts:

- A. A civil rights cause of action pursuant to 42 U.S.C. § 1983 has been asserted on behalf of the Estate of Calvin Witherspoon, Jr., as a result of Mr. Witherspoon’s death from bodily injuries and losses suffered from carbon monoxide poisoning which occurred on or about January 17, 2019 in the County of Richland at Allen Benedict Court Unit J-3.

- B. This Court has jurisdiction over the claims set forth in the Petition and venue is proper.
- C. Plaintiff has stated a cause of action under the survival statute, § 15-5-90, Code of Laws of South Carolina, 1976, as amended, and a cause of action for wrongful death under § 15-51-10, Code of Laws of South Carolina, 1976, as amended.
- D. All interested persons or their representatives, including the Personal Representative of the Estate, have been duly notified and have given their consent to the approval of the settlement. Petition Exhibits C1-C4.
- E. From the testimony of the Plaintiff, it appears that decedent, died married and intestate, and his heirs at law and statutory beneficiary under the Wrongful Death Act are:

Josephine Kinlaw-Witherspoon, Surviving wife  
Danielle Washington, Surviving daughter  
Sally Witherspoon, Surviving daughter  
Rachel Witherspoon-Bryant, Surviving daughter  
Henry Vantreal McCray, Surviving son

- F. Further, Plaintiff has advised the Court that Mr. Richard A. Hricik of The Law Offices of Richard A. Hricik, PA and Amanda Dure of Pangia Law Group have represented her throughout this matter pursuant to a written contingency fee agreement and that she is satisfied with the representation of Mr. Hricik and Pangia Law Group. It appears to the Court that Counsel for Plaintiff diligently represented Plaintiff and expended significant time, energy, and resources over the course of 4 years of litigation in prosecuting this matter. Richard A. Hricik and Amanda Dure are both members in good standing with the South Carolina Bar, USDC of South Carolina and the 4th Circuit Court of Appeals and have fulfilled their responsibilities under the contract with their client.

G. Plaintiff agrees that the Estate of Calvin Witherspoon, Jr. shall be responsible, to the extent they exist, for satisfying any valid and existing liens out of the proceeds of this settlement, and that neither Defendant nor Insurance Reserve Fund/State Fiscal Accountability Authority will be responsible for same.

H. Plaintiff stated that she has carefully considered the facts and circumstances herein. The Plaintiff stated that she is aware of the uncertainties of litigation and believes that the offer, under the circumstances, is fair and equitable and should be accepted without additional delay and expense of further litigation as do the statutory beneficiaries who likewise consent to the terms of the proposed settlement and all disbursements.

After reading and giving due consideration of the things and matters set forth in the Petition, and discussing this matter with the Plaintiff and counsel on the record, I have reached the conclusion that it would be in the best interest and advantage of the Estate, and the heirs at law and beneficiaries under the South Carolina Wrongful Death Act, for the Plaintiff, as Personal Representative of the Estate, to accept the settlement offers made herein and to allocate and distribute the settlement proceeds, pursuant to S.C. Code Ann. §§ 15-51-41, 15-51-42, as is set forth in detail attached to the Petition as *Exhibit A – Disbursement & Allocation of Proceeds*.

THEREFORE, IT IS ORDERED ADJUDGED AND DECREED that the terms of the settlement outlined hereinabove and, in the Petition, are fair and just and in the best interests of all concerned and is hereby APPROVED.

IT IS FURTHER ORDERED ADJUDGED AND DECREED the Personal Representative of the Estate of Calvin Witherspoon, Jr., is hereby authorized, empowered and directed to accept and effectuate the aforementioned settlement, receive, and disburse funds, and execute the Release

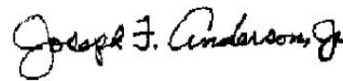
set forth in *Exhibit* to the Petition, in favor of Defendant and Insurance Reserve Fund/State Fiscal Accountability Authority.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, with the full consent of his client, the Court hereby approves the payment of attorneys' fees and costs in the amount set forth in the verified Petition and Exhibit and finds that said fees and costs are fair and reasonable under the circumstances, including the fee of the Personal Representative.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is hereby directed and authorized to execute such ancillary or additional documents as may be necessary to affect a full and final settlement of this matter as described above and, in the Petition, and in particular, distribute and pay the sums as is set forth in *Exhibit A – Disbursement & Allocation of Proceeds*.

IT IS SO ORDERED.

October 30, 2023  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge